

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, :
 :
 Plaintiff, :
 :
 v. : Criminal Action No. 97-65-JJF
 :
 :
 KEVIN BLACK, :
 :
 Defendant. :
 :

O R D E R

At Wilmington, this 23 day of May 2008, for the reasons set forth in the Memorandum Opinion issued this date;

IT IS HEREBY ORDERED that:

1. Defendant's Motion To Correct Or Modify Term Of Imprisonment (D.I. 67) is **DENIED**, or in the alternative, **DISMISSED** to the extent that it is recharacterized as a second, successive motion under 28 U.S.C. § 2255 filed without authorization from the Third Circuit.

2. To the extent that a determination regarding a certificate of appealability under 28 U.S.C. § 2253(c)(2) may be required, the Court finds that Defendant has failed to make "a substantial showing of the denial of a constitutional right" see United States v. Cepero, 224 F.3d 256, 267-68 (3d Cir. 2000), and therefore, a certificate of appealability is **DENIED**.


UNITED STATES DISTRICT JUDGE